REMARKS

Claims 1-2, 4-16, 18-31, and 33-48 are pending in the present application. In the Office Action mailed March 8, 2006, the Examiner took the following action: (1) rejected claims 1-2, 4-16, 18-31, and 33-48 under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement; (2) rejected claims 1-2, 4-16, 18-31, and 33-48 under 35 U.S.C. §112, second paragraph, as being indefinite; (3) rejected claims 1-2, 4, and 6 under 35 U.S.C. §102(b) as being anticipated by Olsen (U.S. 3,156,126); (4) rejected claims 1-2, 4, and 6 as being unpatentable under 35 U.S.C. §103(a) in view of Olsen; (5) rejected claims 1-2, 4, and 6 under 35 U.S.C. §102(b) as being anticipated by Zeldman (U.S. 3,851,536); (6) rejected claims 1-2, 4, and 6 as being unpatentable under 35 U.S.C. §103(a) in view of Zeldman; (7) rejected claims 1-2, 5, and 6 under 35 U.S.C. §102(b) as being anticipated by Brock (U.S. 5,129,865); (8) rejected claims 1-2, 5, and 6 under 35 U.S.C. §103(a) as being unpatentable in view of Brock; (9) rejected claims 1-2, 4, 6, 8-12, 15, 16, 18, 20, 22-25, 28-31, 33, 35-40, and 43-48 under 35 U.S.C. §102(b) as being anticipated by Cable (U.S. 4,570,542); (10) rejected claim 7 under 35 U.S.C. §103(a) as being unpatentable in view of Olsen; (11) rejected claim 7 under 35 U.S.C. §103(a) as being unpatentable in view of Zeldman; (12) rejected claim 7 under 35 U.S.C. §103(a) as being unpatentable in view of Brock; (13) rejected claims 1-2, 4, 6, 7, 10, 13-16, 18, 20, 21, and 26-28 under 35 U.S.C. §103(a) as being unpatentable in view Adams (U.S. 3,627,436); (14) rejected claims 1-2, 4, 6, 14-16, 18, 20-25, 27-31, 33, 35-40, and 43-48 under 35 U.S.C. §103(a) as being unpatentable in view of Boyl-Davis (U.S. 6,843,328). Applicants hereby amend claims 1, 4-5, 10, 12, 15-16, 18-22, 29, 33-34, 36-37, and 43-48. Claims 14 and 27 are canceled. Applicants respectfully request reconsideration of the application in view of the foregoing amendments and the following remarks.

I. Rejection under 35 U.S.C. §112

Claims 1-2, 4-16, 18-31, and 33-48 are rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. Further, claims 1-2, 4-16, 18-31, and 33-48 are also rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. Applicants have amended independent claims 1, 15 and 29 to recite the claim limitation of "a plurality of apertures." Therefore, applicants submit that claims 1-2, 4-16, 18-31, and 33-48 are now enabled and sufficiently definite, and respectfully request reconsideration and withdrawal of these rejections.

II. Rejections under 35 U.S.C. §102(b) and §103(a)

Claims 1-2, 4, and 6 are rejected under 35 U.S.C. §102(b) as being anticipated by Olsen, or in the alternative, rejected under 35 U.S.C. §103(a) as rendered obvious by Olsen; claims 1-2, 4, and 6 are further rejected under 35 U.S.C. §102(b) as being anticipated by Zeldman, or in the alternative, rejected under 35 U.S.C. 103(a) as rendered obvious by Zeldman; claims 1-2, and 5-6 are rejected under 35 U.S.C. §102(b) as being anticipated by Brock, or in the alternative, rejected under 35 U.S.C. §103(a) as rendered obvious by Brock. Respectfully, applicants traverse the rejections, and submit the claims are allowed over the references cited for the reasons explained in detail below.

Claims 1-2 and 4-6

As amended, claim 1 recites an apparatus for supporting a manufacturing tool relative to a workpiece, the apparatus comprising a track assembly adapted to be attached to the workpiece and including at least one rail, the rail having a longitudinally-extending neutral axis and a rack

extending along a pitch line that at least approximately coincides with the longitudinally-extending neutral axis, wherein the rack comprises a plurality of tapered apertures; *a carriage comprising an x-axis portion moveably coupled to the track assembly and moveable relative to the workpiece along the rail, and a y-axis portion slideably coupled to the x-axis portion and moveable with respect to the x-axis portion along a y-axis oriented transversely to the track assembly.* (emphasis added).

Olsen (U.S. 3,156,126)

Olsen teaches a mechanical belt drive that is employed for the transmission of force. The belt drive utilizes a sprocket with peripherally spaced teeth, and a resiliently flexible band formed with longitudinally spaced tapered opening for receiving the sprocket teeth. (Olsen, 1:10-11, Figures 2 and 4).

Olsen fails to disclose, teach or fairly suggest the apparatus recited in amended claim 1. Specifically, Olsen fails to teach or suggest an apparatus that comprises "*a carriage comprising an x-axis portion moveably coupled to the track assembly and moveable relative to the workpiece along the rail, and a y-axis portion slideably coupled to the x-axis portion and moveable with respect to the x-axis portion along a y-axis oriented transversely to the track assembly.*" (emphasis added). Accordingly, claim 1 is allowable over the 35 U.S.C. §102(b) rejection, as well as the 35 U.S.C. §103(a) rejection based on Olsen. Claims 2 and 4-6 depend from claim 1. Thus, they are also allowable over the 35 U.S.C. §102(b) rejection, as well as the 35 U.S.C. §103(a) rejection based on Olsen, for the same reason that claim 1 is allowable, as well as for additional limitations recited in those claims.

Zeldman (U.S. 3,851,536)

Zeldman teaches a flexible power transmission belt for transmitting power. The belt has a plurality of tapered teeth integrally formed on the belt, a number of the teeth form a downward configuration and a number of the teeth form an upward configuration. (Zeldman, 1:56-65, Figures 1-2, 5-6).

Zeldman fails to disclose, teach or fairly suggest the apparatus recited in amended claim 1. Specifically, Zeldman fails to teach or suggest an apparatus that comprises "*a carriage comprising an x-axis portion moveably coupled to the track assembly and moveable relative to the workpiece along the rail, and a y-axis portion slideably coupled to the x-axis portion and moveable with respect to the x-axis portion along a y-axis oriented transversely to the track assembly.*" (emphasis added). Accordingly, claim 1 is allowable over the 35 U.S.C. §102(b) rejection, as well as the 35 U.S.C. §103(a) rejection based on Zeldman. Claims 2 and 4-6 depend from claim 1. Thus, they are also allowable over the 35 U.S.C. §102(b) rejection, as well as the 35 U.S.C. §103(a) rejection based on Zeldman, for the same reason that claim 1 is allowable, as well as for additional limitations recited in those claims.

Brock (U.S. 5,129,865)

Brock teaches a spherical teeth pulley for driving belts. The spherical teeth pulley is constructed with spherical balls or integral hemi-spherical projections on their peripheries to act as round sprocket teeth for driving thin belts. (Brock, 1:55-64, Figures 1-4).

Brock fails to disclose, teach or fairly suggest the apparatus recited in amended claim 1. Specifically, Brock fails to teach or suggest an apparatus that comprises "*a carriage comprising an x-axis portion moveably coupled to the track assembly and moveable relative to the workpiece along the rail, and a y-axis portion slideably coupled to the x-axis portion and moveable with respect to the x-axis portion along a y-axis oriented transversely to the track assembly.*" (emphasis added). Accordingly, claim 1 is allowable over the 35 U.S.C. §102(b)

rejection, as well as the 35 U.S.C. §103(a) rejection based on Brock. Claims 2 and 4-6 depend from claim 1. Thus, they are also allowable over the 35 U.S.C. §102(b) rejection, as well as the 35 U.S.C. §103(a) rejection based on Brock, for the same reason that claim 1 is allowable, as well as for additional limitations recited in those claims.

Claims 1-2, 4, 6, 8-12, 15, 16, 18, 20, 22-25, 28-31, 33, 35-40 and 43-48

Claims 1-2, 4, 6, 8-12, 15, 16, 18, 20, 22-25, 28-31, 33, 35-40 and 43-48 are rejected under 35 U.S.C. §102(b) as being anticipated by Cable. Claims 1, 15, 29, 43 and 46 are independent claims. Respectfully, applicants traverse the rejections, and submit the claims are allowed over Cable for the reasons explained in detail below.

Cable (U.S. 4,570,542)

Cable teaches a ribbon drive rail for carrying a working apparatus having a toothed driving gear that engages the drive rail. The drive rail has a support means for supporting the apparatus. (Cable, 1:52-54). The drive rail comprises an elongated narrow base strip, a regular series of corrugation formed in a separate strip extending lengthwise on one side of the base strip, wherein the corrugations correspond to the configuration of the toothed driving gear. (Cable, 1:55-65).

Cable fails to teach the apparatus recited in claim 1. Specifically, Cable fails to teach an apparatus that comprises "*a carriage comprising an x-axis portion moveably coupled to the track assembly and moveable relative to the workpiece along the rail, and a y-axis portion slideably coupled to the x-axis portion and moveable with respect to the x-axis portion along a y-axis oriented transversely to the track assembly.*" (emphasis added). Instead, Cable teaches a rail system with a coupled work apparatus carriage where the carriage is incapable of movement along a y-axis oriented transversely to the drive rail assembly. This is because the work

apparatus carriage 11 is transversely secured to the longitudinal edges 21 of the drive rail base strip 18 by bilateral grooved wheels 30 extending from swivel arms 32. (Cable, 3:20-25, Figure 3).

Accordingly, applicants respectfully submit that claim 1, as amended, is not anticipated by the cited reference to Cable, and thus is allowable over the reference. Furthermore, since claims 2, 4, 6, 8-12 depend from claim 1, they are also allowable over Cable for the same reason that claim 1 is allowable, as well as for additional limitations recited in those claims.

As amended, claim 15 recites an assembly for performing a manufacturing operation on a workpiece, the assembly comprising: a track assembly adapted to be attached to the workpiece and including a plurality of rails, the rails being spaced apart and oriented approximately parallel, each rail having a longitudinally-extending neutral axis, and at least one rail having a rack extending along a pitch line that at least approximately coincides with the longitudinally-extending neutral axis, wherein the rack comprises a plurality of tapered apertures; *a carriage comprising an x-axis portion moveably coupled to the track assembly and moveable relative to the workpiece along the rails, and a y-axis portion slideably coupled to the x-axis portion and moveable with respect to the x-axis portion along a y-axis oriented transversely to the track assembly, the carriage including a tool support adapted to receive and support a manufacturing tool;* and a manufacturing tool coupled to the tool support and adapted to be engageable with the workpiece to perform the manufacturing operation on the workpiece. (emphasis added).

Cable fails to teach the assembly recited in claim 15. Specifically, Cable fails to teach an assembly that comprises "a carriage comprising an x-axis portion moveably coupled to the track assembly and moveable relative to the workpiece along the rails, *and a y-axis portion slideably coupled to the x-axis portion and moveable with respect to the x-axis portion along a y-axis oriented transversely to the track assembly*, the carriage including a tool support adapted to receive and support a manufacturing tool." (emphasis added). Instead, as stated above, Cable

teaches a rail system with a coupled work apparatus carriage where the carriage is incapable of movement along a y-axis oriented transversely to the drive rail assembly. This is because the work apparatus carriage 11 is transversely secured to the longitudinal edges 21 of the drive rail base strip 18 by bilateral grooved wheels 30 extending from swivel arms 32. (Cable, 3:20-25, Figure 3).

Accordingly, applicants respectfully submit that claim 15, as amended, is not anticipated by the cited reference to Cable, and thus is allowable over the reference. Furthermore, since claims 16, 18, 20, 22-25, and 28 depend from claim 15, they are also allowable over Cable for the same reason that claim 15 is allowable, as well as for additional limitations recited in those claims.

As amended, claim 29 recites a method of performing a manufacturing operation on a workpiece, the method comprising: attaching a track assembly to the workpiece, the track assembly including at least one rail having a longitudinally-extending neutral axis and a rack extending along a pitch line that at least approximately coincides with the longitudinally-extending neutral axis, wherein the rack comprises a plurality of tapered apertures; moveably coupling a carriage to the track assembly, the carriage comprising an x-axis portion moveable relative to the workpiece along the rails; *slideably coupling a y-axis portion to the x-axis portion of the carriage, wherein the y-axis portion is moveable with respect to the x-axis portion along a y-axis oriented transversely to the track assembly;* moveably supporting a manufacturing tool on the carriage; engaging a drive apparatus with the rack; and driving the carriage supporting the manufacturing tool along the track assembly using the drive apparatus. (emphasis added).

Cable fails to teach the method recited in claim 29. Specifically, Cable fails to teach an method that comprises "*slideably coupling a y-axis portion to the x-axis portion of the carriage, wherein the y-axis portion is moveable with respect to the x-axis portion along a y-axis oriented transversely to the track assembly,*" as recited in claim 29. (emphasis added). Instead, Cable

teaches a method of performing a manufacturing operation that only involves moveably coupling a carriage to a track assembly so that the carriage, constrained by bilateral grooved wheels 30 running along the edges 21 of the drive rail base strip 18, only moves longitudinally along the x-axis of the track assembly. (Cable, 3:20-25, Figure 3).

Accordingly, applicants respectfully submit that claim 29, as amended, is not anticipated by the cited reference to Cable, and thus is allowable over the reference. Furthermore, since claims 31 and 33-40 depend from claim 29, they are also allowable over Cable for the same reason that claim 29 is allowable, as well as for additional limitations recited in those claims.

As amended, claim 43 recites a track assembly attachable to the workpiece and including a plurality of rails, the rails being spaced apart and oriented approximately parallel, each rail having a longitudinally-extending neutral axis and a rack extending along a pitch line that at least approximately coincides with the longitudinally-extending neutral axis, wherein the rack includes a plurality of apertures; and *a carriage comprising an x-axis portion moveably coupled to the track assembly and moveable relative to the workpiece along the rails, and a y-axis portion slideably coupled to the x-axis portion and moveable with respect to the x-axis portion along a y-axis oriented transversely to the track assembly*, the carriage including a manufacturing tool that performs the manufacturing operation on the workpiece, and a drive assembly having at least one rotatable drive gear that includes a plurality of outwardly-projecting teeth configured to fittingly engage the plurality of apertures as the drive gear is rotated, the drive gear moving the carriage along the track assembly as the drive gear is rotated. (emphasis added).

Cable fails to teach the assembly recited in claim 43. Specifically, Cable fails to teach an assembly that comprises "*a carriage comprising an x-axis portion moveably coupled to the track assembly and moveable relative to the workpiece along the rails, and a y-axis portion slideably coupled to the x-axis portion and moveable with respect to the x-axis portion along a y-axis*

oriented transversely to the track assembly, the carriage including a manufacturing tool that performs the manufacturing operation on the workpiece, and a drive assembly having at least one rotatable drive gear that includes a plurality of outwardly-projecting teeth configured to fittingly engage the plurality of apertures as the drive gear is rotated, the drive gear moving the carriage along the track assembly as the drive gear is rotated." (emphasis added). Cable teaches a rail system with a coupled work apparatus carriage where the carriage is incapable of movement along a y-axis oriented transversely to the drive rail assembly. This is because the work apparatus carriage 11 is transversely secured to the longitudinal edges 21 of the drive rail base strip 18 by bilateral grooved wheels 30 extending from swivel arms 32. (Cable, 3:20-25, Figure 3).

Accordingly, applicants respectfully submit that claim 43, as amended, is not anticipated by the cited reference to Cable, and thus is allowable over the reference. Furthermore, since claims 44-45 depend from claim 43, they are also allowable over Cable for the same reason claim 43 is allowable, as well as for additional limitations recited in those claims.

As amended, claim 46 recites a method of performing a manufacturing operation on a workpiece, the method comprising: attaching a track assembly to the workpiece, the track assembly including a plurality of rails, the rails being spaced apart and oriented approximately parallel, each rail having a longitudinally-extending neutral axis and at least one rail having a rack extending along a pitch line that at least approximately coincides with its the longitudinally-extending neutral axis, wherein the rack includes a plurality apertures; moveably coupling a carriage to the track assembly, the carriage comprising an x-axis portion moveable relative to the workpiece along the rails; *slideably coupling a y-axis portion to the x-axis portion of the carriage, wherein the y-axis portion is moveable with respect to the x-axis portion along a y-axis oriented transversely to the track assembly;* moveably supporting a manufacturing tool on the carriage; engaging a drive assembly with the rack, the drive assembly having at least one

rotatable drive gear that includes a plurality of outwardly-projecting teeth configured to fittingly engage the plurality of apertures as the drive gear is rotated; and driving the carriage along the track assembly including rotating the drive gear. (emphasis added).

Cable fails to teach the method recited in claim 46. Specifically, Cable fails to teach a method that comprises "*moveably coupling a carriage to the track assembly, the carriage comprising an x-axis portion moveable relative to the workpiece along the rails; slideably coupling a y-axis portion to the x-axis portion of the carriage, wherein the y-axis portion is moveable with respect to the x-axis portion along a y-axis oriented transversely to the track assembly*". (emphasis added). Instead, Cable teaches a method of performing a manufacturing operation that only involves moveably coupling a carriage to a track assembly so that the carriage, constrained by bilateral grooved wheels 30 running along the edges 21 of the drive rail base strip 18, is only moveable longitudinally along the x-axis of the track assembly.

Accordingly, applicants respectfully submit that claim 46, as amended, is not anticipated by the cited reference to Cable, and thus is allowable over the reference. Furthermore, since claims 47-48 depend from claim 46, they are also allowable over Cable for the same reason claim 46 is allowable, as well as for additional limitations recited in those claims.

III. Rejections under 35 U.S.C. §103(a)

Claim 7 is rejected under 35 U.S.C. §103(a) as being rendered obvious by Olsen; claim 7 is also rejected under 35 U.S.C. §103(a) as being rendered obvious by Zeldman; claim 7 is further rejected under 35 U.S.C. §103(a) as being rendered obvious by Brock; claims 1-2, 4, 6, 7, 10, 13-16, 18, 20, 21 and 26-28 are rejected under 35 U.S.C. §103(a) as being rendered obvious by Adams. Claims 1-2, 4, 6-12, 14-16, 18, 20-25, 27-31, 33, 35-40 are rejected under 35 U.S.C. §103(a) as being render obvious by Boyl-Davis. Respectfully, applicants traverse the rejections,

and submit the claims are allowable over the references cited for the reasons explained in detail below.

Claim 7

Claim 7 depends from claim 1. Claim 1, as amended, recites an apparatus for supporting a manufacturing tool relative to a workpiece, the apparatus comprising a track assembly adapted to be attached to the workpiece and including at least one rail, the rail having a longitudinally-extending neutral axis and a rack extending along a pitch line that at least approximately coincides with the longitudinally-extending neutral axis, wherein the rack comprises a plurality of tapered apertures; *a carriage comprising an x-axis portion moveably coupled to the track assembly and moveable relative to the workpiece along the rail, and a y-axis portion slideably coupled to the x-axis portion and moveable with respect to the x-axis portion along a y-axis oriented transversely to the track assembly.* (emphasis added).

As discussed above, each of the references cited to Olsen, Zeldman, and Brock, respectively, do not disclose, teach or fairly suggest the apparatus recited in claim 1. Thus, claim 1 is allowable over each of the 35 U.S.C. §103(a) rejections. Since claim 7 depends from claim 1, it is also allowable over Olsen, Zelman and Brock for the same reason that claim 1 is allowable, as well as for its additional limitation.

Claims 1-2, 4, 6, 7, 10, 13-16, 18, 20, 21, 28-31, 26-28

Claims 1-2, 4, 6, 7, 10, 13-16, 18, 20, 21, 28-31, 26-28 are rejected under 35 U.S.C. §103(a) as rendered obvious by Adams. Claims 1 and 15 are independent claims, and are amended.

Adams (U.S. 3,627,436)

Adams teaches a tool feeding apparatus that includes a track 11 mounted to a workpiece 12, the drilling apparatus travels along the track 11 drilling a row of spaced holes in the workpiece 12 in accordance with the spacing of positioning slots 157 in a template on the track 11. (3:5-12). The drilling apparatus has a drilling unit 17 and a clamping unit 22. (3:20-27). The drill unit 17 has a drill tool 19 and a first latching mechanism 20 to position the unit according to the slots 157 of the template (3:20-25). The clamping unit 22 has a clamping element 23 insertable in a previously drilled hole 13 to firmly engage the workpiece, and a second latching mechanism 24 to position the clamping unit relative to the slots 157 of the template (3:27-34). A reciprocating actuator 21 acts between the two latching mechanisms to walk the units step by step along the track 11. (3:35-37).

Claims 1-2, 4, 6-7, 10, and 13-14

As amended, claim 1 recites an apparatus for supporting a manufacturing tool relative to a workpiece, the apparatus comprising a track assembly adapted to be attached to the workpiece and including at least one rail, the rail having a longitudinally-extending neutral axis and a rack extending along a pitch line that at least approximately coincides with the longitudinally-extending neutral axis, wherein the rack comprises a plurality of tapered apertures; *a carriage comprising an x-axis portion moveably coupled to the track assembly and moveable relative to the workpiece along the rail, and a y-axis portion slideably coupled to the x-axis portion and moveable with respect to the x-axis portion along a y-axis oriented transversely to the track assembly.* (emphasis added).

Adams fails to disclose, teach, or fairly suggest the apparatus recited in claim 1. Specifically, Cable fails to teach an apparatus that comprises "*a carriage comprising an x-axis portion moveably coupled to the track assembly and moveable relative to the workpiece along the rail, and a y-axis portion slideably coupled to the x-axis portion and moveable with respect*

to the x-axis portion along a y-axis oriented transversely to the track assembly," as recited in claim 1. (emphasis added). Instead, the drilling apparatus taught by Adams merely has a drilling unit and a clamping unit coupled by a reciprocating actuator. This only allows the drilling unit to be moveable longitudinally along the x-axis of the track according to the positioning slots of the template.

Accordingly, applicants respectfully submit that claim 1, as amended, is not rendered unpatentable by the reference cited to Adams, and thus is allowable. Furthermore, since claims 2, 4, 6-7, 10, and 13-14 depend from claim 1, they are also allowable over Adams for the same reason claim 1 is allowable, as well as for additional limitations recited in those claims.

Claims 15-16, 18, 20-21, and 26-28

As amended, claim 15 recites an assembly for performing a manufacturing operation on a workpiece, the assembly comprising: a track assembly adapted to be attached to the workpiece and including a plurality of rails, the rails being spaced apart and oriented approximately parallel, each rail having a longitudinally-extending neutral axis, and at least one rail having a rack extending along a pitch line that at least approximately coincides with the longitudinally-extending neutral axis, wherein the rack comprises a plurality of tapered apertures; *a carriage comprising an x-axis portion moveably coupled to the track assembly and moveable relative to the workpiece along the rails, and a y-axis portion slideably coupled to the x-axis portion and moveable with respect to the x-axis portion along a y-axis oriented transversely to the track assembly, the carriage including a tool support adapted to receive and support a manufacturing tool;* and a manufacturing tool coupled to the tool support and adapted to be engageable with the workpiece to perform the manufacturing operation on the workpiece. (emphasis added).

Adams fails to disclose, teach, or fairly suggest the assembly recited in claim 15. Specifically, Adams fails to teach an assembly that comprises "a carriage comprising an x-axis

portion moveably coupled to the track assembly and moveable relative to the workpiece along the rails, *and a y-axis portion slideably coupled to the x-axis portion and moveable with respect to the x-axis portion along a y-axis oriented transversely to the track assembly*, the carriage including a tool support adapted to receive and support a manufacturing tool." (emphasis added). Instead, the drilling apparatus taught by Adams merely has a drilling unit and a clamping unit coupled by a reciprocating actuator. This only allows the drilling unit to be moveable longitudinally along the x-axis of the track according to the positioning slots of the template.

Accordingly, applicants respectfully submit that claim 15, as amended, is not rendered unpatentable by the reference cited to Adams, and thus is allowable. Furthermore, since claims 16, 18, 20-21, and 26-28 depend from claim 1, they are also allowable over Adams for the same reason that claim 1 is allowable, as well as for additional limitations recited in those claims.

Claims 1-2, 4, 6-12, 14-16, 18, 20-25, 27-31, 33, 35-40, and 43-48

Claims 1-2, 4, 6-12, 14-16, 18, 20-25, 27-31, 33, 35-40, and 43-48 are rejected under 35 U.S.C. §103(a) as being render obvious by Boyl-Davis. Claims 1, 15, 29 43, and 46 are independent claims.

Boyl-Davis (U.S. 6,843,328)

Boyl-Davis teaches a flexible track drilling machine 20 that includes a pair of rails 22, 24 coupled to a workpiece, and a carriage 30 moveably mounted on the rails 22, 24 (5:5-8).

Applicants, in accordance with 35 U.S.C. §103(c), hereby respectfully assert that Boyl-Davis is *disqualified* as 35 U.S.C. §103(a) prior art against the present application. Boyl-Davis is disqualifiable because it is assigned to the assignee of the current application. Further, it is only available as prior art under 35 U.S.C. §102(e). The required statement of common ownership is provided below:

STATEMENT OF COMMON OWNERSHIP

The present Application, No. 10/606,625, "Method and Apparatus For Track Members Having a Neutral-Axis Rack", and U.S. Patent No. 6,843,328 to Boyl-Davis et al., "Flexible Track Drilling Machine", were, at the time the invention of Application No. 10/606,625 was made, owned by the Boeing Company.

In principle with the disqualification, applicants respectfully assert that Boyl-Davis cannot be used as prior art against any of the claims in the present application. Therefore, applicants respectfully assert that rejections of claims 1-2, 4, 6-12, 14-16, 18, 20-25, 27-31, 33, 35-40, and 43-48 based on Boyl-Davis are hereby traversed.

However, the declaration of the disqualification of Boyl-Davis as prior art under 35 U.S.C. §103(c) should not be considered as an admission that applicants otherwise concur with the interpretation and assertions presented in the Office Action regarding the appropriateness of Boyl-Davis as 35 U.S.C. §103(a) prior art.

CONCLUSION

Applicants respectfully submit pending claims 1-2, 4-13, 15-16, 18-26, 28-31, and 33-48 are now in condition for allowance. If there are any remaining matters that may be handled by telephone conference, the Examiner is kindly invited to contact the undersigned attorney at the telephone number listed below.

Respectfully Submitted,

Dated: Aug. 3, 2006

By: _____

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